

## Message Text

LIMITED OFFICIAL USE

PAGE 01 STUTTG 00571 020602Z

ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-04 H-01 INR-07  
L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15  
USIA-06 ACDA-07 TRSE-00 IO-13 DHA-02 ORM-02 /082 W  
-----021620Z 026079 /40

R 011445Z APR 77

FM AMCONSUL STUTTGART

TO SECSTATE WASHDC 3485

INFO AMEMBASSY BONN

AMCONSUL BREMEN

AMCONSUL DUSSELDORF

AMCONSUL HAMBURG

AMCONSUL FRANKFURT

AMCONSUL MUNICH

USMISSION USBERLIN

USCINCEUR VAIHINGEN

CINCUSAREUR HEIDELBERG

LIMITED OFFICIAL USE STUTTGART 571

FOR POLADS

E. O. 11652: N/A

TAGS: PINS GW

SUBJ: PRESIDING JUDGE IN BAADER-MEINHOF TRIAL FORBIDS ELEC-  
TRONIC SURVEILLANCE

REF: STUTTGART 484

1. SUMMARY: CRITICAL SITUATION FOR CONTINUATION OF BAADER-MEINHOF TRIAL AFTER BUGGING INCIDENT MIGHT IN ONE RESPECT BE IMPROVED BY PRESIDING JUDGE FOTH'S INJUNCTION AGAINST ANY FURTHER BUGGING IN STAMMHEIM PRISON. IF JUSTIC MINISTER BENDER ACCEPTS THIS RULING, ASSIGNED DEFENSE LAWYERS MIGHT BE SATISFIED AND CONTINUE TO PARTICIPATE IN TRIAL. HOWEVER, BAADER-LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 STUTTG 00571 020602Z

MEINHOF PRISONERS IN STAMMHEIM AND OTHER PRISONS HAVE TAKEN UP COORDINATED FASTING AGAIN, WHICH CANNOT HELP PUBLIC RELATIONS ASPECTS OF TRIAL AND ITS PROGRESS. BECAUSE OF EASTER RECESS, TRIAL IS EXPECTED TO CONTINUE ON APRIL 12. END SUMMARY.

2. TWO WEEKS AFTER BUGGING INCIDENT IN STAMMHEIM PRISON

BECAME KNOWN AND ENDANGERED CONTINUATION OF TRIAL, PRESIDING JUDGE FOTH FORBADE ALL INSTITUTIONS INCLUDING MINISTRY OF JUSTICE TO USE ANY ELECTRONIC SURVEILLANCE AFFECTING PARTICIPANTS IN BAADER-MEINHOF TRIAL. IN A LETTER TO MINISTER OF JUSTICE BENDER, FOTH DECLARED THAT THIS INJUNCTION ISSUED BY THE PRESIDING JUDGE TAKES PRECEDENCE OVER OTHER CONSIDERATIONS, INCLUDING PREVENTION OF FUTURE CRIMES, WHICH THE MINISTRIES OF JUSTICE AND INTERIOR HAD MENTIONED AS REASON FOR THE USE OF ELECTRONIC LISTENING DEVICES AT CERTAIN TIMES.

3. JUDGE FOTH FURTHER DECLARED IT COULD NOT BE THE TASKS OF HIS TRIAL SENATE TO SHED LIGHT ON DETAILS OF PAST BUGGING. ASSIGNED DEFENSE LAWYERS WELCOMED FOTH'S ATTITUDE AND CRITICIZED JUSTICE MINISTER BENDER. IF BENDER SHOULD AGREE TO COMPLY WITH FOTH'S ORDER, HE WOULD IN EFFECT REVOKE HIS OWN STATEMENT MADE DURING RECENT LANDTAG SESSION, WHEN HE AND INTERIOR MINISTER SCHIESS STATED THAT UNDER CIRCUMSTANCES SIMILAR TO THOSE PREVAILING AT TIME OF BUGGING, THEY WOULD DO SO AGAIN IF IT WERE DEEMED NECESSARY TO AVOID FURTHER CRIMES BY THE BAADER-MEINHOF GANG.

4. BINDER'S STRICT COMPLIANCE WOULD SEEM TO PROVIDE THE ONLY ASSURANCE THAT THE TRIAL MAY PROCEED SATISFACTORILY. SHOULD HIS ANNOUNCED REPLY TO JUDGE FOTH INDICATE ANY OTHER INTENTIONS, ASSIGNED DEFENSE ATTORNEYS WOULD PROBABLY WITHDRAW AND THE TRIAL WOULD COLLAPSE. IT HAS NOW BEEN RECESSED UNTIL APRIL 12 FOR THE EASTER PERIOD.

5. BAADER-MEINHOF DEFENDANTS IN STAMMHEIM AND ASSOCIATES IN LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 STUTTG 00571 020602Z

OTHER PRISONS IN THE FEDERAL REPUBLIC HAVE TAKEN UP A COORDINATED FAST IN PROTEST AGAINST THE BUGGING INCIDENT AND IN ORDER TO FIGHT "FOR THE APPLICATION OF THE MINIMUM GUARANTEE OF THE GENEVA CONVENTION FOR PRISONERS OF WAR FOR THE PRISONERS OF THE RED ARMY FACTION AND ALL POLITICAL PRISONERS IN THE FEDERAL REPUBLIC". THEY ALSO DEMAND AN END TO "ISOLATION IMPRISONMENT".

6. COMMENT: PRESIDING JUDGE FOTH IS LIVING UP TO HIS REPUTATION FOR BALANCE AND SOUND JUDGMENT. HIS INJUNCTION AGAINST FUTURE BUGGING MAY WELL BE THE ONLY WAY OF ASSURING A SUCCESSFUL COMPLETION OF THIS TRIAL, WHATEVER THE VERDICT. MEANWHILE, HOWEVER, RENEWAL OF COORDINATED PRISONER FASTING (WHICH RESULTED IN THE DEATH OF HOLGER MEINS IN 1975) MAKES THE CONDUCT OF THE TRIAL, ITS PUBLIC RELATIONS ASPECTS, AND POSSIBLY ITS EVENTUAL REVIEW BY A HIGHER COURT AND/OR STRASSBOURG HUMAN RIGHTS PANEL EVER MORE CLOUDY.

JENKINS

LIMITED OFFICIAL USE

NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01-Jan-1994 12:00:00 am  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** SURVEILLANCE, ELECTRONIC EQUIPMENT, COURT DECISIONS, TRIALS, TERRORISTS, PRISONERS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Sent Date:** 01-Apr-1977 12:00:00 am  
**Decaption Date:** 01-Jan-1960 12:00:00 am  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 22 May 2009  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1977STUTT00571  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Expiration:**  
**Film Number:** D770114-1028  
**Format:** TEL  
**From:** STUTTGART  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1977/newtext/t19770497/aaaadggg.tel  
**Line Count:** 115  
**Litigation Code IDs:**  
**Litigation Codes:**  
**Litigation History:**  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Message ID:** 24918bab-c288-dd11-92da-001cc4696bcc  
**Office:** ACTION EUR  
**Original Classification:** LIMITED OFFICIAL USE  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 3  
**Previous Channel Indicators:** n/a  
**Previous Classification:** LIMITED OFFICIAL USE  
**Previous Handling Restrictions:** n/a  
**Reference:** 77 STUTTGART 484  
**Retention:** 0  
**Review Action:** RELEASED, APPROVED  
**Review Content Flags:**  
**Review Date:** 24-Feb-2005 12:00:00 am  
**Review Event:**  
**Review Exemptions:** n/a  
**Review Media Identifier:**  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**SAS ID:** 2922924  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** PRESIDING JUDGE IN BAADER-MEINHOF TRIAL FORBIDS ELEC- TRONIC SURVEILLANCE  
**TAGS:** PINS, GE, BAADER-MEINHOF  
**To:** STATE  
**Type:** TE  
**vdkgvwkey:** odbc://SAS/SAS.dbo.SAS\_Docs/24918bab-c288-dd11-92da-001cc4696bcc  
**Review Markings:**  
Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
22 May 2009  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009